IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 445 OF 2005

Appa Santu Ramoshi, since
deceased through L.Rs.
Smt. Gangubai Appa Bhandalkar
(Ramoshi) & Ors. ..Appellants

versus

Shankar Sitaram Bankar & Ors. ..Respondents

Mr. R. N. Kachare for the Appellants.
Mr. V. S. Talkute for the Respondents No. 1 to 3.

CORAM : D. G. DESHPANDE,J.

DATE : 15TH SEPTEMBER,2005

P.C. :

1. Heard Advocate for the appellants and Respondent Nos. 1 to 3.

2. Appellant is the plaintiff, whose suit for injunction came to be dismissed so also his appeal. The crucial question, as rightly held by the court below was whether on the date of filing of the suit, the plaintiff was in possession. The plaintiff has absolutely no documentary evidence because the

property involved is an agricultural land. There could have been scores of documents in existence about the possession of particular person. Not a single document or revenue paper or record or any other document is filed. Therefore, claim of the plaintiff was rightly rejected by both the courts below.

3. Counsel for the appellants contended that the respondents - defendants claim injunction to protect possession, which was rightly vacated by the courts below. Rightly it was done so because there was no counter claim. The question is of the right of the plaintiff. There is no merit in this appeal. The same is dismissed along with Civil Application.

15.9.2005 (D.G. DESHPANDE, J.)